

60,137-207; 136-3032-U

**REMARKS**

Applicant would like to thank the Examiner for the detailed remarks. Claim 19 has been amended, and Claim 17 has been cancelled. New Claims 21-24 have been added. Accordingly, Claims 13-15, 18, 19, and 21-24 are pending.

Claim 17 was objected to under 37 CFR 1.75(c) and rejected under 35 U.S.C. § 112, second paragraph. Claim 17 has been cancelled, therefore the objection and rejection are moot.

Claims 18 and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by *Jacuzzi et al.* Amended Claim 19 recites that the arcuate openings in the corner portion "support a corresponding multiple of shelves." The horizontal shelf slots (recesses between the shelves) that the Examiner cites in *Jacuzzi et al.* are merely spaces between the shelves and do not support the shelves as recited in Applicant's Claim 19. Accordingly, Claim 19 and its dependent claims are properly allowable.

Claims 12-15 and 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Jacuzzi et al.* in view of *Haghyayegh*. The Examiner admits that *Jacuzzi et al.* does not disclose that the shelves are removably engaged with horizontal shelf slots. The Examiner argues that *Haghyayegh* discloses a corner shelf removably mounted to a corner assembly and that it would have been obvious to modify the shower surround of *Jacuzzi et al.* with the removable shelves of *Haghyayegh* in order to increase the flexibility of using the shelves as needed. Respectfully, Applicant disagrees.

There is no motivation to make the proposed combination. As motivation, the Examiner states that the combination would "increase the flexibility of using the shelves as needed." The Examiner is attempting to replace actual motivation by stating his opinion that increasing "the flexibility of using the shelves as needed" would be a benefit without providing any basis to support this opinion. The rejection does not give any reasons supported by the references of how the combination would increase flexibility or why one would expect to do so by making the shelves removable. For this reason, the rejection is improper and Applicant respectfully requests that the rejection be withdrawn.


Additionally, *Jacuzzi et al.* teaches away from making the combination. As is, the shower

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surround of *Jacuzzi et al.* includes a minimal number of pieces. The shelves of *Jacuzzi et al.* are integrated into the corner portion such that the corner portion and shelves form a single integral piece. Thus, from a manufacturing standpoint, it is convenient to make only a single corner piece having the shelves rather than a corner piece and separate multiple shelving components and shelves. Furthermore, the customer would have the benefit of not having to install the shelves. Therefore, one would not be motivated to modify *Jacuzzi et al.* to include the removable shelves of *Haghayegh* because it would require manufacturing and assembling additional numerous components and offset the convenience no shelf installation. For this additional reason, the rejection is improper, and Applicant respectfully requests that the rejection be withdrawn.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

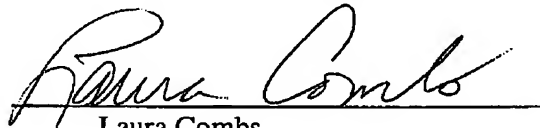


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on October 9, 2006.



Laura Combs